IN THE

Supreme Court of the United States.

OCTOBER TERM, A. D. 1904.

UNION TRUST COMPANY AND SECURITY WAREHOUSING COMPANY, vs. HENRY L. WILSON, TRUSTEE IN BANKRUPTCY OF HARRY L. FLANDERS.	No. 424

REPLY ON MOTION TO SET CASE.

Counsel for respondents in case No. 139, file upon this motion a paper entitled "Objections to postponement of hearing." No postponement of hearing of case No. 139 is contemplated by this motion.

These counsel also suggest that they "have given notice of motion to quash the writ of *certiorari*" in case No. 139, which they are about to make. Their brief on the present motion does not state the ground of such motion to quash, but the copy served upon us shows it to be that there was a right of appeal to this court in case No. 139, and hence *certiorari* was not proper.

The same proposition was unsuccessfully urged by

these counsel in their brief in opposition to the application for *certiorari* where they said (page 12 *et seq.*):

"The petitioners had a right to carry the case from the Circuit Court of Appeals to this court by appeal or writ of error, and there is no occasion or necessity for a writ of certiorari". etc.

It would seem to us that this belated motion to quash, if pressed, will be denied, because the question raised by it has already been decided by this court. Hence it would seem to present no reason for denying the present motion to set the above entitled case for hearing.

Indeed we do not infer from their brief that these counsel object to the granting of this motion, but only desire to avoid any delay in the decision of case No. 139.

Respectfully submitted,

Henry D. Robbins

Counsel for Union Trust Company and Security Warehousing Company.